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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 November 1991, at 10 a.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 10.10 a.m.

ORGANIZATION OF WORK (agenda item 4) (continued)

1. The CHAIRMAN informed members that the Vice-Minister of Justice of Afghanistan had arrived in Geneva and that the programme of work should, if possible, be modified to enable the Committee to discuss with him the reports submitted by Afghanistan.

2. He recalled that the Committee had been invited to submit questions to the Preparatory Committee for the World Conference on Human Rights and to tell it how it thought the Conference should tackle its work and that of other treaty bodies. It was for each regional group to designate a member who would participate in the sessional working group which would consider those questions and other issues pertaining to the Committee's relations with other bodies. He wished to point out that there was nothing to prevent several members belonging to the same geographical area from participating in the work of the working group.

3. Mr. WIMER ZAMBRANO observed that not all members of the Committee were of the opinion that in principle participation or exclusion should be based on the fact of belonging to a geographical region.

4. The CHAIRMAN said that, in fact, at a previous meeting the members of the Committee had not been disposed to adopt an inflexible attitude in that regard.

5. Mr. SIMMA said that it would be useful to have the report to the General Assembly prepared by Mr. Alston in 1989 on how to improve the efficiency of the system of submitting reports in order to be able to make recommendations to the Preparatory Committee.

6. The CHAIRMAN observed that the report had already been circulated in 1990 but he would request the Secretariat to redistribute it.

7. After asking whether members of the Committee would volunteer to submit the final comments on the reports of States parties to be considered during the current session, he said that Mrs. Jimenez Butragueño had volunteered for the reports of Afghanistan, that Mr. Rattray agreed to submit the final comments for the reports of Panama, Mr. Simma that of Colombia, Mrs. Bonoan-Dandam that of Spain, Mr. Neneman that of Finland, Mr. Kouznetsov that of the Syrian Arab Republic, Mr. Muterahejuru that of the People's Democratic Republic of Korea, Mr. Konate that of Sweden, and Mr. Fofana that of the Republic of Belarus.

CONSIDERATION OF REPORTS (agenda item 7)

(a) REPORTS SUBMITTED BY STATES PARTIES PURSUANT TO ARTICLES 16 AND 17 OF THE COVENANT (continued)

Panama (E/1984/6/Add.19, E/1988/5/Add.9, E/1986/4/Add.22 and E/1989/5/Add.5)

8. At the invitation of the Chairman, Mr. Velásquez, Mr. Ucros and Mrs. Vallarino (Panama) took places at the Committee table.

9. Mr. VELASQUEZ (Panama) introduced the initial reports of Panama concerning rights covered by articles 6 to 9 and 13 to 15 of the Covenant (E/1984/6/Add.19 and E/1988/5/Add.9), the second periodic report of his country concerning the rights covered by articles 10 to 12 (E/1986/4/Add.22) and the additional information transmitted by the Panamanian State (E/1989/5/Add.5). The Government of the Republic of Panama had endeavoured to implement the provisions of the International Covenant on Economic, Social and Cultural Rights ratified in June 1977. The Panamanian Constitution guaranteed the fundamental rights set out in the Covenant, but the economic crisis resulting from the economic sanctions imposed by the United States since 1988 and the acts of vandalism committed during the invasion of Panamanian territory by the United States Army had prevented the full exercise of those rights. Mr. Ucros, Minister of Labour and Social Welfare, would reply to all questions put to him and if he did not have the information requested, the Panamanian delegation would see to it that the additional information was submitted to the Committee in writing.

10. Mr. UCROS (Panama) said that he would prefer to reply to questions put orally on specific points rather than to refer to the list of written questions.

11. The CHAIRMAN, explaining the procedure adopted by the Committee for considering reports, said that a pre-sessional Working Group had met several months earlier to study all the reports and to prepare the list of questions which were to be raised by the Committee. He therefore invited the delegation of Panama to reply to the questions which had been put to it in writing and which were contained in document E/C.12/WG/1991/CRP.2. In order to enable the Committee to save time, it would be useful if the representatives of Panama combined the questions in order to be able to provide comprehensive replies.

12. Mr. UCROS (Panama), replying first of all to questions concerning the general framework of the implementation of the Covenant, recalled that the Panamanian economy had suffered greatly from the economic blockade imposed by the United States and the invasion of Panamanian territory by the United States Army. More than 250 industrial and commercial establishments in urban areas had ceased operations, thus aggravating unemployment and underemployment. However, in the past year and a half, the economic situation had begun to improve: unemployment had dropped by 6 per cent and the private enterprises had settled down to the task of reconstruction. On the other hand, the public sector faced serious difficulties, since the economic assistance provided by international organizations was very limited. Furthermore, his country found it extremely difficult to repay the debt contracted by the previous Government since, unlike neighbouring countries, its external debt had not been cancelled. Nor did it receive any loans from international organizations to carry out social projects. Lastly, the per capita indicators which the international organizations used as a basis dated from 1986; however, the situation had changed considerably since then.

13. With regard to the measures taken to ensure the exercise of the rights set forth in articles 6 to 15 and the progress made in that field, he wished to stress that the Panamanian Government was endeavouring to submit on a regular basis reports containing information that was as objective and up to date as possible. The Panamanian Government was trying to fulfil its obligations under the Covenant to the greatest possible extent, particularly with regard to the right to an adequate standard of living referred to in article 11. It had set up a national tripartite committee entrusted with the task of re-evaluating the minimum wage according to branch of activity, reorganized the Department of Social Welfare and proposed to exempt from income tax persons earning less than 350 balboas. The exercise of the fundamental rights of Panamanian citizens was not subject to any limitation or racial discrimination and legal and administrative remedies existed in order to prevent any abuse. The Labour Code, which dated from 1946, had been revised in 1971 and Panama had ratified the majority of ILO Conventions guaranteeing the rights of workers. The social service system was very extensive since social security covered all sickness and hospitalization expenses of insured workers and their families and, in the event of sickness, paid the insured person during two years a benefit equivalent to 70 per cent of his wages. With regard to maternity benefits, insured persons were entitled to 14 weeks of leave (6 weeks preceding and 8 weeks following childbirth) during which they received their wages in full. The system also provided pensions for disability, old age, widows and orphans. In addition, benefits were paid to insured persons in the event of an occupational accident or disease. He stressed that more than 50 per cent of the Panamanian population benefited from that social security scheme.

14. In addition, the Government spared no effort to help the unemployed and the needy, through soup kitchens, meals served in more than 1,000 schools, and the establishment of orphanages and old people's homes. Large-scale programmes for the construction of low-rent housing were in the process of execution. In the free zone of Colón, where there was a precarious economic situation and serious unemployment, a special tax served to finance housing and social programmes. To promote the right to adequate clothing, the State had concluded agreements with the manufacturers of textiles and school uniforms.

15. With regard to the right to education (arts. 13 and 14 of the Covenant), primary and secondary education were, in Panama, compulsory and free; school-books, exercise books and supplies were also free. At the present time, 92.5 per cent of the population from 6 to 11 years attended school. In secondary education, the number of students had increased substantially between 1984 and 1988. The number of teachers and other persons employed in secondary educational institutions was about 32,000. Freedom of education existed in Panama, and the establishment of private schools was even encouraged. However, it was the State which controlled the qualifications of the teaching staff.

16. In Panama there was no discrimination against any social group. Under article 17 of the Constitution, everyone, Panamanians and foreigners, was equal before the law and also enjoyed the protection of the authorities.

17. With regard to the right of everyone to participate in cultural life and to benefit from scientific advances and the protection of interests resulting from any production of which he was the author (art. 15 of the Covenant), Panama was considering establishing cultural centres. There were many popular theatres and concert halls and a National Cultural Institute had been created. Royalties and the protection of intellectual property were guaranteed. Furthermore, two television channels specialized in cultural programmes.

18. With respect to the right to physical and mental health (art. 12 of the Covenant), there were in Panama several coordinated systems which sought to protect the health of the population, especially in rural and economically depressed areas. In addition to hospitals, there were small communal clinics and medical units which travelled to areas difficult of access. Pharmaceutical products and medical treatment were free for the needy. Middle-income persons bore a small part of their cost and the State was responsible for the remainder.

19. The CHAIRMAN thanked the representatives of Panama and invited the representatives of the specialized agencies and members of the Committee to make comments or put questions.

20. Mr. SWEPSTON (International Labour Organisation) recalled that the International Labour Organisation (ILO) had submitted several reports containing information on the situation in Panama, including the tenth ILO report (E/1988/6), prepared in 1987. Information concerning the ILO Conventions which Panama had ratified and dealt with subjects referred to in articles 6 to 8 of the Covenant remained valid, as Panama had not ratified other conventions since.

21. He wished to say that the competent bodies of the ILO International Labour Conference itself had duly taken note of the difficulties, in particular those of a financial nature, which Panama was encountering and to which the representative of Panama had referred. However, it was regrettable that Panama had not replied or was not replying with sufficient precision to questions which had been put to it in 1988 or in 1990, for example, on forced or compulsory labour (art. 6 of the Covenant), which was the subject of ILO Convention No. 29, on discrimination in employment (ILO Convention No. 111) which was allegedly practised in the Canal Zone, or on employment policy which involved the right to freely chosen or accepted work, and was also the subject of an ILO Convention.

22. The rights referred to in article 7 of the Covenant related to the implementation of ILO Convention No. 81 concerning labour inspection, which was essential to the application of labour legislation and therefore the protection of the rights of workers. In that field, the details requested were also lacking. For years, the ILO had provided the Panamanian Government with comments on labour inspection in the maritime employment sector, where the problems remained unresolved, and the ILO had for a number of years been working with the Panamanian Government in the preparation and implementation of new legislation.

23. In the areas referred to by article 8 of the Covenant, freedom of association, trade union rights, the right to form organizations and collective bargaining, which came directly within the competence of the ILO, there was no reason to believe that certain recent measures restricting the right to organize in particular or the right to strike had been withdrawn and that the application of the pertinent ILO Conventions had been improved.

24. The matters dealt with in ILO Convention No. 107 concerning indigenous and tribal populations also came under article 8 of the Covenant. In 1988, it had been pointed out that the Panamanian Government was endeavouring to improve the situation of those peoples. However, the additional information requested by the ILO was still lacking.

25. With regard to social security (art. 9 of the Covenant), the Panamanian Government had informed the ILO of the difficulties it was facing with regard to funding social assistance and the necessary social security measures. Furthermore, the ILO had received no news concerning the various legislative amendments which the Panamanian Government had intended to adopt.

26. Mr. KONATE noted that a number of questions prepared by the pre-sessional Working Group (E/C.12/WG/1991/CRP.2) had not been answered. With regard to the economic difficulties faced by Panama and the many reforms which had been adopted to deal with that situation, he would like to know whether measures had also been taken to offset the social consequences of those reforms. Since article 59 of the Constitution of Panama did not confine itself to recognizing the right to work but also provided that the State had an obligation to devise economic policies to promote full employment (E/1984/6/Add.19, p. 2), he would like to know whether it was possible for an individual to institute proceedings against the State if that constitutional obligation was violated or against the legislators if legislative measures were not taken to give effect to that right. What were the unemployment rates in the country? He would also like to know what was the exact situation of the indigenous populations in Panama. According to information obtained on the spot, economic and social inequalities existed between black populations and Spanish or Spanish-speaking populations. Was it possible to obtain official remedies in that regard? Lastly, in what way was the promotion of the culture of indigenous populations ensured?

27. Mr. SIMMA noted, like Mr. Konate, that many questions, including those prepared by the pre-sessional Working Group, had not been answered; it would be necessary for the Panamanian Government to reply to them in writing in the form of additional information.

28. He would like to know what was the status of the International Covenant on Economic, Social and Cultural Rights in Panamanian law. According to the information provided to the Human Rights Committee by the representatives of Panama, the International Covenant on Civil and Political Rights was directly applicable in Panama and any citizen could use that Covenant as a basis for making a request. Was it the same with regard to the International Covenant on Economic, Social and Cultural Rights? If not, what were the differences and had there been cases in which the International Covenant on Economic, Social and Cultural Rights had been invoked in legal proceedings?

29. According to additional information transmitted to the Human Rights Committee by the representatives of Panama, 60 per cent of young people in Panama used drugs. What were the drugs used by such a large percentage of the population? What were the specific measures taken by the Government to combat that state of affairs?

30. In the UNICEF report entitled The situation of children in the world, 1991, he noted, with regard to the "Distribution of household income", that the poorest 40 per cent of the population had 7 per cent of total household income whereas the richest 20 per cent had 62 per cent of that total, which constituted the widest disparity observed in the entire world. The notes relating to the table (p. 121) indicated that, for Panama, that indicator was based on the family income for 1973, and he asked whether the distribution of household income had improved since that date.

31. He also referred to the right to housing; when Panama had been invaded by United States forces in December 1989, some towns had been severely bombed, particularly the Barrio of El Chorillo. According to press reports contained in the file prepared for the current session of the Committee, more than half of the population of El Chorillo had had to leave the Barrio and had been installed in two aircraft hangars, on a former United States base, where each family had been allocated a ridiculously small amount of space. At the end of two years, how many families were still living in those hangars? The United States Agency for International Development had provided funds which had been intended to deal with that situation and were earmarked for the construction of housing. He would like to know whether the sole beneficiaries of that housing aid were the owners or former owners. If tenants were not entitled to such aid, it would once again be those who were most disadvantaged that suffered the greatest.

32. Lastly, he recalled resolution 1991/12, adopted in August 1991 whereby the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of the Commission on Human Rights, had stated that the practice of forced eviction constituted a gross violation of human rights, in particular the right to adequate housing. He would like to know what had happened to the inhabitants of the Barrio of El Chorillo. Had the refugees who had been forced to leave in December 1989 been authorized to return there or were they still prevented from doing so by the authorities? In early 1990, Tucumen, San Miguelito, and Panama Viejo had also been the scene of forced evictions, carried out jointly by the Panamanian public order authorities and the United States Army against several hundred Panamanian families. Had those families been authorized to return to their homes and what measures had been taken to deal with that situation?

33. The CHAIRMAN said that one of the representatives of Panama would like to reply to the questions as they were put or at least to reply to each speaker as soon as he had finished, which would constitute a change in the Committee's usual procedure.

34. Mrs. BONOAN-DANDAM thought that it would be preferable to wait until all the questions had been put, since many of them could be grouped together.

35. Mrs. JIMENEZ BUTRAGUEÑO was of the same opinion. Furthermore, she considered, like Mr. Simma, that written replies were preferable and that it would be better to abide by the rules already adopted by the Committee in that regard.

36. The CHAIRMAN noted that those views reflected a consensus within the Committee. The Committee had already had occasion to say that it wished to receive carefully considered replies. Furthermore, it was useful that questions on several aspects of the same subject should be grouped together. That might perhaps complicate matters for the representatives of Governments but the result was more instructive for the Committee. The dialogue between the Committee and Governments was so important that it was worthwhile underscoring it as far as possible.

37. Mr. WIMER ZAMBRANO said that he would like to submit to the Committee a compilation of cases of violations of the rights protected by the Covenant which could be attributed to Panama; the compilation in question was based mainly on ILO or United Nations data. Unfortunately, the document could not be circulated at once and the Panamanian delegation would be unable to take cognizance of it immediately or to make comments on it.

38. The violations in question were not only the outcome of the country's economic situation and its invasion by the United States, and were not always of a purely circumstantial nature; they were sometimes due to legislation itself. Indeed, some were clearly included in the legislation and contrary to international conventions, even to the Constitution of Panama. He gave an example from the compilation, which made it possible to denounce the collusion between the Panamanian authorities and the United States Army: half of the El Chorillo area, in which 50,000 persons had lived before the invasion, had been destroyed and hundreds of families from Tucumen and San Miguelito had been expelled from their homes by the combined action of the Panamanian authorities and the United States Army in 1990.

39. He asked the representatives of Panama to be kind enough to supplement in writing the information requested of them by replying to the questions put to them during the session. He requested the Secretariat to transmit to them the document he had mentioned.

40. The CHAIRMAN considered that nothing prevented a member of the Committee from expressing in writing, for the benefit of a delegation, the concerns he had with regard to the situation in the country under consideration, but he thought it preferable for them to be summarized and presented orally, since they then appeared in the summary records which reflected the discussion in a manner which was concise but exact.

41. Mr. NENEMAN, referring to recognition of the right to work, asked, with regard to the clause "Work is a right and a duty of the individual" appearing in article 59 of the Constitution of Panama (E/1984/6/Add.19, p. 2), whether the word "duty" must be understood to mean that work was compulsory and that, consequently, anyone who did not work must be punished or whether it was merely an appeal that was moral in nature. He warned against the possible abuses to which the obligation to work could give rise. Furthermore, he read on page 18 of the same report of Panama that according to the Panamanian

Labour Code, persons who had reached their fourteenth birthday might join trade unions and he wondered about the nature of the work that could be asked of those children. In the additional information, submitted in document E/1989/5/Add.5, reference was made to the homes provided for minors without a family, and he would like to know in what proportion orphans were admitted to them. With regard to the implementation of article 11 of the Covenant, several programmes intended to support housing construction were described in the second report of Panama (E/1986/4/Add.22) but nothing was said about the possibility of protecting tenants through, for example, the practice of rent bracketing. Nor were there any statistics on homeless families. With regard to the implementation of article 12, it would be useful for the Committee to have information on the number of physicians and hospital beds. As to marriage, he would like to know what was the regime for alimony and inheritance in the case of couples who had lived together for five years and were regarded as married. He would also like to know whether the principle of "equal pay for equal work" was respected, what was the number of single mothers, whether they received a food allowance and, if not, whether they could apply for State aid.

42. Mr. MRATCHKOV said that he regretted to have to note that Panama, which had, however, submitted several reports covering all the provisions of the Covenant and which also had a precise list of questions prepared by the pre-sessional Working Group, gave replies which were neither detailed nor specific. One was told, for example, that the unemployment rate was increasing, but was given no information on what was the rate of unemployment benefits or the number of unemployed who received them. Nor was any information given on the number of divorces or on the kind of legal system governing divorce in Panama. With regard to the application of article 13, it would be useful if the Committee could be informed of the number of children who had not attended school, the rate of illiteracy, and the actions taken to ensure the enjoyment of the right to education provided for by the Covenant. If the Committee agreed to do so, he would also like Panama to be requested to provide additional information in writing on the questions appearing in the list of the pre-sessional Working Group.

43. Mr. RATTRAY noted that Panama was in a very difficult situation and that the entire Panamanian social structure was suffering as a result of the United States invasion. He would like to know, in a general manner, whether in Panama's reconstruction process, primary consideration was not being given to promoting economic activity rather than to realizing economic, social and cultural rights, in particular those of workers. He wondered whether there was not a tendency, as a result, to neglect certain aspects of the question, such as minimum wages, housing, social security, etc. More specifically, he would like to know whether in practice some categories, such as domestic servants, were excluded because of the absence of a compulsory minimum wage. For example, foreigners, although benefiting from the same protection as nationals under the Constitution, were in fact excluded from the executive committees of trade union associations, as could be seen on page 17 of the report in document E/1984/6/Add.19. With regard to social security, he would like to know whether there were unemployment benefits and what was the percentage of the unemployed in the economically active population, according to sex. Furthermore, paragraph 75 of the additional information (E/1989/5/Add.5) was concerned with the question of shortcomings in the

private sector with regard to safe and healthy working conditions and he asked what the authorities proposed to do to remedy that situation. Lastly, with respect to the protection of the family, mother and child, he asked whether there were "street children" in Panama and what measures were being taken, if necessary, to provide them with the requisite care and protection.

44. Mrs. BONOAN-DANDAM put questions on education and culture in Panama. She noted the statement in paragraph 101 of the report in document E/1988/5/Add.9 that the indigenous sectors were among the least privileged groups on account of their social, economic and cultural characteristics. She wondered about the exact meaning of the term indigenous, and asked why that category was less privileged and whether that fact should be attributed, for example, to religion or language. Paragraph 102 stated that 62.3 per cent of the indigenous population was illiterate and that the majority were female, but that extremely high rate of illiteracy among the indigenous peoples and among women was not explained. That was surprising since primary education was compulsory in Panama. There, too, she wondered whether it was a question of language and what was the language of education.

45. There were more than 20,000 children who worked part-time; that high figure required more detailed information, particularly since the majority of those children were illiterate.

46. With regard to culture, strictly speaking, the report was devoted essentially to popular culture which, for her, was not a traditional culture. The question therefore arose as to how the Panamanian Government pursued its policy of preserving the cultural heritage, i.e. traditional culture and values, the extent to which the policy was successful and how it was reflected in school curricula; lastly, she would welcome an explanation of the drug addiction that affected young people in view of the fact that so much effort was being focused on the preservation of traditional values.

47. Mr. SPARSIS wondered how much importance was given to the promotion of economic, social and cultural rights in Panama's reconstruction policy. He knew from experience about the difficulties connected with that reconstruction undertaking in the country's current situation, since there was a great temptation to assign priority to political objectives.

48. From the comments of the observer for the ILO and Mr. Wimer Zambrano, it was clear that Panama's difficulties related primarily to the application of the rights contained in articles 6 to 9 of the Covenant. He, too, requested more details on the percentage of persons affiliated to a trade union and on the magnitude of unemployment as well as on any problems relating to the financing of social security programmes. More particularly, he was concerned about the situation of the unemployed at the end of their entitlement to benefits and would like to know what assistance they could expect to receive from the State in order to survive. Restrictions on trade union rights and the right to strike were also of concern to him and he asked what were the precise nature and scope of those restrictions and whether a worker who could not exercise the right to strike could have recourse to compulsory arbitration. Lastly, he asked for details on the nature and scope of labour inspection in Panama, such inspection being absolutely essential for the effective application of the law.

49. Mr. FOFANA said he would like to know, with respect to the initial report of Panama, what publicity the authorities gave to the Covenant, particularly with regard to individuals. He would also welcome additional information on the situation of natural children, from the standpoint of legislation and in practice. Document E/1989/5/Add.5, which gave additional information, was more than a year old and it would be useful if the Committee could have an oral report on the points mentioned. Furthermore, he considered that there was a lack of statistical information with regard to the rates of trade union activity, marriage and divorce.

50. Mr. ALVAREZ VITA drew attention to paragraph 179 of the report in document E/1989/5/Add.5 in which it was said that if there was no widow, a woman who was living with the worker would be entitled to a pension, and asked whether a man who had lived with a salaried woman was entitled to a pension in the same conditions. As to the report on the right to education (E/1988/5/Add.9), it contained no reference to the freedom of expression of teachers (libertad de catedra), in particular university professors; he would like to know whether that freedom was guaranteed by law and whether it was subject to any legal restrictions.

51. Mrs. JIMENEZ BUTRAGUEÑO, referring to the status of women in Panama, asked whether the constitutional principle of equality of the spouses was fully applied in practice. In particular, she would like to know whether the mother and father shared parental authority, whether a wife had the same rights as her husband with regard to the administration of the family's property and whether she had to obtain her husband's authorization to perform certain acts. With regard to the employment of women, she would like to know whether many occupied positions of responsibility in the public administration, in Government and in the private sector. In the field of education, she asked what was the percentage of young girls and women that received primary, secondary and university education as well as vocational and technical training. She would welcome information on whether any positive changes in that situation had been noted.

52. She would also like to know what was the situation with regard to compulsory education, what was the minimum age at which a person could be employed and what measures had been taken by the Panamanian Government to ensure that children could receive an education rather than be obliged to work. With regard to the right to health, she asked what percentage of the population was covered by social security for health care. Furthermore, she wondered whether the Panamanian Government had taken measures to combat AIDS and what means had been employed to protect the human rights of those who tested HIV-positive and those who had AIDS. Lastly, she was looking forward to the replies which the representatives of Panama would give to the list of written questions prepared by the pre-sessional Working Group (E/C.12/WG/1991/CRP.2).

53. Mr. WIMER ZAMBRANO read out the conclusions of the compilation which he intended to circulate to members of the Committee and said that they constituted his views on the situation with regard to human rights in Panama. He noted that the economic blockade imposed by the United States on Panama had aggravated poverty rife in that country like many others in Latin America and

had served as a pretext that was easy to invoke in order to continue violating the human rights of the least privileged population groups. Living conditions had continued to deteriorate after the invasion of that country by the United States and the establishment of a new Government, which had sided with the United States in eliminating the vestiges of nationalism, which, it was true, had been responsible for a number of laws and practices contrary to human rights. The authorities were persecuting the known or supposed leaders and supporters of the former regime as well as trade union members, students and teachers at universities, which were forums conducive to popular protest and political opposition. Most of the housing damaged or destroyed had not yet been rebuilt or repaired and it would no doubt be necessary to wait years until claims for compensation produced results. At the educational level, the repression undertaken by the Government had resulted in the dismissal of thousands of teachers, a general decline in the level of instruction and restrictions on the autonomy of the universities. It could therefore be stated that the Panamanian Government and that of the United States were jointly responsible for serious, deliberate and frequent violations of the economic, social and cultural rights set forth in the Covenant, especially freedom of association and the right to work.

54. Specifically, the rapid drop in national income caused by internal struggles and the United States intervention had had catastrophic effects on the sectors of food, housing and basic health, educational and cultural services.

55. Trade unionists risked persecution while participation in demonstrations and public protests was punished by dismissal.

56. The CHAIRMAN asked the representatives of Panama whether they wished to reply immediately to the questions raised by the Committee or whether they preferred to wait until the following morning, i.e. the 5th meeting of the Committee.

57. Mr. UCROS (Panama) explained that he had available the necessary information in order to provide orally precise information on the points raised by the ILO representative, but he believed that it was the Committee's practice to request written replies.

58. The CHAIRMAN said that that was not exactly the case: as a general rule, representatives of States parties replied orally to the questions raised, unless they did not have the necessary information at hand or a particular point was too complex, in which case the Committee requested that additional information should be submitted to it subsequently in writing. There was therefore no need for the Panamanian delegation to provide the Committee with written replies at the current session. Moreover, the delegation also had the possibility of commenting in writing on the observations which the Committee would adopt concerning its country at the end of the session.

59. Mr. WIMER ZAMBRANO added that therefore there was nothing to prevent the representatives of Panama from submitting their replies in writing the following morning.

60. Mr. UCROS (Panama), referring to the points raised by the observer for the ILO, said that it was not correct to say that Panama had presented no report on the implementation of the ILO Conventions ratified by Panama: 24 reports had been submitted to the ILO at the beginning of June 1991. It had not been possible to submit the reports due in 1990 by 15 October 1991, as had been announced, since the Minister of Labour had been on mission abroad, but they would be submitted before the end of the year.

61. With regard to article 6 of the Covenant and forced or compulsory labour, it was true that under certain provisions of the Administrative Code, detainees could be enlisted for compulsory community service, in exchange for a reduction in sentence at a rate of two days' detention for one day's work. The Ministry of Labour, with the assistance of an ILO expert, had drawn up a revised parliamentary bill which had been submitted to the Cabinet Council for consideration with a view to its adoption by the National Assembly; the new bill did not include the offending provisions, which in any case had not been applied for 15 years. As to article 7 and allegations of discrimination in employment against Panamanians working in the Canal Zone, it must not be forgotten that the Zone was administered by the United States and was consequently subject to United States laws and regulations. Under the Trujillos-Carter Treaty of 1977, certain so-called "security" posts were reserved for United States citizens, of whom there were between 1,000 and 2,000 working in the Zone, along with 14,000 or 15,000 Panamanians. That was the only restriction applicable to Panamanian citizens, who were not subjected to any discrimination on grounds of race, colour or origin.

62. With regard to the Panamanian Government's employment policy, he said that the ILO representative had probably not had an opportunity to examine the report which had been submitted in May 1991 in connection with the relevant Convention and in which the Panamanian authorities gave a detailed description of the programmes carried out by the Government to provide training, ease unemployment and create jobs.

63. Still in connection with the rights covered by article 7 of the Covenant, it was true that certain statistics on labour inspection had not been provided in earlier reports submitted by Panama to the ILO, but the missing information had been provided in the latest report, which gave considerable information about inspections carried out in various sectors and branches of the national economy. He offered to transmit the report to the Committee for information. With regard to the situation in the shipping sector, a tripartite commission consisting of representatives of seamen's unions, shipbuilders and the Ministry of Labour had drawn up a new bill concerning employment at sea, on the basis of several studies and in collaboration with an ILO expert; the bill had been approved by the Cabinet Council in 1987 and submitted to the National Assembly on 5 September 1991. The ILO expert had received a copy of the bill, which he proposed to transmit to the Committee for information.

64. Regarding the rights covered by article 8, he explained the circumstances in which certain measures with the effect of restricting the exercise of such rights by members of the civil service had been adopted. The leaders of civil servants' associations had organized a demonstration on 4 December 1990, just at the beginning of the attempted coup d'état by the former head of the security forces, who had been sentenced to imprisonment for subversion;

the Government had asked them to rescind their decision, but they maintained their call for an indefinite work stoppage, starting the following day, just as the rebels were gaining ground. That was why the Government had adopted Act No. 25 authorizing the dismissal of members of the civil service who jeopardized national security by taking part in demonstrations or strikes. However, the Act did provide for an administrative appeal procedure; 15 of the 147 employees dismissed under those provisions by the public water and electricity authority, IRE, had thus appealed, had won their case and had been reinstated. Those whose appeals had been rejected by the administrative tribunal were entitled to refer the matter to the Third Chamber of the Supreme Court, which had jurisdiction over administrative disputes. Thirty-seven of the 72 employees dismissed under the Act by the public telecommunications authority, INTEL, had availed themselves of that procedure. The Supreme Court, seized of an appeal for amparo, had ruled that only article 2 of Act No. 25 was unconstitutional and had upheld all the provisions of the Act on the grounds that they did not infringe the right of any workers to defend their interests and that they legitimately entitled the Government to safeguard the integrity of the State.

65. With regard to collective labour agreements, he explained that legislative provisions (Act No. 13) had been adopted in October 1990, when the country had been in the throes of an economic crisis, to safeguard the conditions of remuneration and periodic pay rises which had been established under collective agreements between employees and employers following negotiations in 1986 and 1987. In doing so, the State had been able to induce the association of employers in the construction industry to comply with the terms of the collective labour agreement negotiated in 1988, which laid down the scale of adjustments to the minimum wage by category, despite the crisis and unemployment in that sector. Article 3 of Act No. 13 none the less gave workers and employers full latitude to negotiate improvements in the conditions established under previous agreements, and in fact the employees of Nestlé had availed themselves of that opportunity - albeit unsuccessfully, although the previous agreement had been extended.

66. Regarding the situation of indigenous peoples, he said that most of them lived in one or other of the five reservations, according to their own customs and laws, which went back to before the conquest. Those reservations were situated in remote areas that were difficult of access, and it was not easy, therefore, to provide them with educational and training facilities. That was why the authorities preferred to provide training and education for indigenous peoples in the urban centres only, and they in turn could then provide such services in their reservations. The indigenous peoples were not subject to any discrimination in employment and enjoyed the same conditions of work and pay as any other Panamanian citizen. The Panamanian authorities had, in fact, found that the provisions of ILO Convention No. 107 to the effect that the recruitment of indigenous peoples must be subject to authorization by the Ministry of Labour and tied to special conditions might be counter-productive, in that they would sometimes be an obstacle to indigenous peoples' access to work, as in the case of indigenous cooks, whose services were highly appreciated and who were very well paid. The Panamanian Government was also endeavouring to settle problems arising in other cases.

The meeting rose at 1.05 p.m.